

2396. Misbranding of Hilltop K-M. U. S. v. 5 Bottles, etc. (and 3 other seizure actions). (F. D. C. Nos. 22689, 23102, 23103, 23112. Sample Nos. 73418-H, 77098-H, 77388-H to 77390-H, incl., 77392-H.)

LABELS FILED: March 12 and May 6 and 12, 1947, Western District of Wisconsin and Northern District of Iowa.

ALLEGED SHIPMENT: On or about May 23, 1946, and March 31 and April 7 and 23, 1947, from Minneapolis, Minn., by Hilltop Laboratories.

PRODUCT: 78 bottles and 130 jugs of *Hilltop K-M* at Madison and Darlington, Wis., and Clear Lake and Maynard, Iowa. The bottles and jugs were in 1-gallon, half-gallon, and 1-quart sizes. Analysis showed that the product consisted essentially of water with small amounts of potassium dichromate, potassium chlorate, potassium nitrate, epsom salt, and an acid.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading, since they represented and suggested that the article when used as directed was effective as a tonic and laxative for poultry and was effective as a drinking water antiseptic for poultry; and that the article was effective to kill, in the drinking water of poultry, the pathogenic organisms *Salmonella pullorum*, *Shigella gallinarum*, *Salmonella typhimurium*, and *Pasteurella avicidia*, and thereby treat and prevent the poultry diseases caused by such organisms, namely, pullorum, typhoid, paratyphoid, and cholera. The article would not be effective for such purposes.

DISPOSITION: April 22 and June 3, 18, and 23, 1947. Default decrees of condemnation and destruction.

2397. Misbranding of Hilltop Mor-O. U. S. v. 30 Bottles, etc. (F. D. C. No. 23133. Sample No. 77391-H.)

LABEL FILED: May 24, 1947, Northern District of Iowa.

ALLEGED SHIPMENT: By Hilltop Laboratories, from Minneapolis, Minn. The product was shipped on or about June 1946, and March 31, 1947, and a number of magazines were shipped on or about April 1, 1947.

PRODUCT: 30 1-quart bottles of *Hilltop Mor-O* at Maynard, Iowa, together with 5 magazines entitled "Hilltop Poultry News," spring issue 1946. Analysis disclosed that the product consisted essentially of water, lactic acid 23.4 percent, tannin extracts, and small amounts of benzoic acid and sodium thiosulfate.

LABEL, IN PART: "Hilltop * * * Liquid Mor-O."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements "For Non-Infectious Enteritis * * * Lactic Acid (46%)" and the statement in the magazine "Use Mor-O (Liquid) in poultry drinking water for non-infectious enteritis" were false and misleading, in that such statements represented and suggested that the article when used as directed was effective for the treatment of noninfectious enteritis in poultry, whereas it was not effective for such purpose; and in that poultry raisers could not differentiate between noninfectious enteritis and enteritis due to any infectious agent and would therefore be misled into using the article in the treatment of enteritis in their flocks without due regard to the cause of the enteritis.

DISPOSITION: June 28, 1947. Default decree of condemnation and destruction.

DRUG ACTIONABLE BECAUSE OF OMISSION OF, OR UNSATISFACTORY, INGREDIENTS STATEMENTS*

2398. Misbranding of Ramol (mineral oil). U. S. v. Warren J. Frank and Douglass B. Pew (Frank Pew Oil Co.). Pleas of guilty. Fines of \$300 and \$600, plus costs, against defendants Frank and Pew, respectively. (F. D. C. No. 23214. Sample No. 49351-H.)

INFORMATION FILED: August 5, 1947, Northern District of Ohio, against Warren J. Frank and Douglass B. Pew, trading as copartners under the name of the Frank Pew Oil Co., Cleveland, Ohio.

ALLEGED SHIPMENT: On or about August 20, 1946, from the State of Ohio into the State of Mississippi.

LABEL, IN PART: "Ramol * * * U. S. P."

NATURE OF CHARGE: Misbranding, Section 502 (e) (1), the article was not designated solely by a name recognized in an official compendium, and its label failed to bear the common or usual name of the drug, i. e., mineral oil.

*See also Nos. 2359, 2361, 2364, 2378, 2384.

The information covered also a shipment of *Ramol* which was intended for use as a food. This latter shipment was alleged to be misbranded under the provisions of the law applicable to foods.

DISPOSITION: December 19, 1947. Pleas of guilty having been entered, the court imposed fines of \$300 and costs against Warren J. Frank and \$600 and costs against Douglass B. Pew.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR AN ACCURATE STATEMENT OF THE QUANTITY OF THE CONTENTS*

2399. Misbranding of Apex Glossatina and Apex Medicated Scalp Cream. U. S. v. The Apex News & Hair Co., Inc., and Archibald J. Morgan. Pleas of guilty. Corporation fined \$500; individual sentenced to 1 day in custody of U. S. marshal. (F. D. C. No. 23253. Sample Nos. 5096-H, 11881-H, 66405-H to 66407-H, incl.)

INFORMATION FILED: October 30, 1947, District of New Jersey, against the Apex News & Hair Co., Inc., Atlantic City, N. J., and Archibald J. Morgan, president of the corporation.

ALLEGED SHIPMENT: On or about May 29 and June 13, 1946, and January 14, February 10, and March 14, 1947, from the State of New Jersey into the States of Pennsylvania and Massachusetts.

LABEL, IN PART: "Apex Glossatina Anti Burn Hair and Scalp Ointment * * * Net Contents 4 Ozs." or "Apex Medicated Scalp Cream * * * Net Contents 3 Ozs."

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the articles failed to bear labels containing accurate statements of the quantity of the contents. (The articles were short-weight.)

DISPOSITION: December 19, 1947. Pleas of guilty having been entered, the court imposed a fine of \$500 against the corporation and sentenced the individual to serve one day in the custody of the U. S. marshal.

2400. Misbranding of Apex Glossatina and Apex Medicated Scalp Cream. U. S. v. 21 Dozen Containers, etc. (and 1 other seizure action). (F. D. C. Nos. 22950, 22951. Sample Nos. 66405-H to 66407-H, incl.)

LIBELS FILED: April 18, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 17, February 11, and March 14, 1947, by the Apex News & Hair Co., Inc., from Atlantic City, N. J.

PRODUCT: 37½ dozen metal containers of *Apex Glossatina* and 63 metal containers of *Apex Medicated Scalp Cream* at Philadelphia, Pa.

LABEL, IN PART: "Apex Glossatina Anti Burn Hair and Scalp Ointment * * * Net Contents 4 Ozs." or "Apex Medicated Scalp Cream * * * Net Contents 3 Ozs."

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the articles failed to bear labels containing accurate statements of the quantity of the contents. (The articles were short-weight.)

DISPOSITION: May 20, 1947. Default decrees of condemnation and destruction.

*See also Nos. 2359, 2360.